

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
Plaintiff,

AAA CLUB SERVICES, LLC.,  
d/b/a AAA TEXAS, LLC

Defendant.

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CIVIL ACTION NO.

JURY TRIAL DEMANDED

**ORIGINAL COMPLAINT**

1. This is an action under Title VII of the Civil Rights Act of 1964, *as amended*, and Title I of the Civil Rights Act of 1991, *as amended*, to correct unlawful employment practices on the basis of retaliation and to provide appropriate relief to Gita Holodovskaya who was adversely affected by such practices. The Defendant, AAA Club Services, LLC., d/b/a AAA Texas, LLC ("Defendant" or AAA Texas) unlawfully terminated Gita Holodovskaya ("Charging Party" or "Holodovskaya") in retaliation for her opposition to what she believed to be unlawful employment practices and for filing a charge of employment discrimination with the EEOC. Specifically, Charging Party was suspended and subsequently discharged because she opposed harassment based on her religion, Jewish, which included offensive anti-Semitic comments made by her immediate supervisor.

**JURISDICTION AND VENUE**

2. Jurisdiction of this court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706 (f)(1) and (3) of Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. §2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, *as amended*, 42 U.S.C.

§1981A.

3. Venue is proper in this court because the unlawful employment practices alleged below were and are now being committed within the jurisdiction of the United States District Court for the Southern District of Texas, Houston Division.

#### PARTIES

4. Plaintiff, the Equal Employment Opportunity Commission ("Commission") is an agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706 (f)(1) and (3), 42 U.S.C. §2000e-5 (f)(1) and (3).

5. Defendant AAA Club Services, LLC., d/b/a AAA Texas, LLC ("Defendant" or AAA Texas) is a Delaware corporation and is a wholly owned subsidiary of Automobile Club of Southern California. Defendant has continuously been and is now doing business in the State of Texas and the City of Houston and has continuously had more than 15 employees. Defendant may be served by serving its registered agent for service of process, National Registered Agents, Inc., 1614 Sidney Baker Street, Kerrville, Texas 78028.

6. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce with the meaning of Sections 701(b),(g) and (h) of Title VII, 42 U.S.C. §2000e(b), (g) and (h).

#### STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, Gita Holodovskaya filed charges of discrimination with the Commission alleging violation of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least June 2005, Defendant has engaged in unlawful employment practices at its Houston, Texas location in violation of Section 704(a) of Title VII.

9. Ms. Holodovskaya began working for Defendant in March 2004 as a sales agent trainee and in August 2004 she was promoted to the sales agent position. Ms. Holodovskaya's performance during her employment was rated satisfactory or higher. After Ms. Holodovskaya was transferred to the Memorial office, she was subjected to negative stereotypes and anti-Semitic remarks and jokes by Luella Guidry, her immediate supervisor, as well as by coworkers. Around August 2004, she reported the harassment to managers and Human Resources officials, but the harassment continued. Around May 2005, Ms. Holodovskaya made a complaint alleging religious harassment to a human resources official, and she was subsequently interviewed and promised a complete investigation.

10. On June 5, 2005, Ms. Holodovskaya was suspended for an alleged insubordinate act occurring on June 3, 2005 and involving Devon Pedrick, Defendant's Insurance Business Manager. Ms. Holodovskaya denies that she failed to follow Mr. Pedrick's instructions as Defendant alleges.

11. On June 7, 2005, Ms. Holodovskaya filed an EEOC charge alleging religious discrimination and retaliation for her complaints about religious discrimination and continued harassment. On June 9, 2005, Ms. Holodovskaya was discharged for the alleged insubordination. On June 16, 2005, she filed a second charge alleging her discharge was in retaliation for her complaints of unlawful discrimination.

12. The effect of the practices complained of above has been to deprive Ms. Holodovskaya of equal employment opportunities and otherwise adversely affect her status

as an employee because of her protected activity of opposing employment practices she believed to be discriminatory and for filing a charge of discrimination with the EEOC.

13. The unlawful employment practices described above were intentional and were committed with malice or with reckless indifference for the federally protected civil rights of Mr. Holodovskaya.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

14. Grant a permanent injunction enjoining Defendant, AAA Club Services, LLC., d/b/a AAA Texas, LLC, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in employment practices which discriminate on the basis of opposition to discrimination;

12. Order Defendant, AAA Club Services, LLC., d/b/a AAA Texas, LLC to institute and carry out policies, practices and procedures which provide equal employment opportunities for employees engaging in protected activity and which eradicates the effects of its past and present unlawful employment practices;

13. Order Defendant, AAA Club Services, LLC., d/b/a AAA Texas, LLC to make Ms. Holodovskaya whole by providing appropriate back pay, with prejudgment interest in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of the unlawful employment practices she was subjected to;

14. Order reinstatement into a comparable position for Ms. Holodovskaya or award front pay in the amounts to be proven at trial if reinstatement is impractical;

15. Order Defendant, AAA Club Services, LLC., d/b/a AAA Texas, LLC to make Ms. Holodovskaya whole by providing compensation for past and future pecuniary losses

resulting from the unlawful practices described above, including out-of-pocket expenses such as job search expenses, medical expenses and insurance expenses, in amounts to be proven at trial;

16. Order Defendant, AAA Club Services, LLC., d/b/a AAA Texas, LLC to make Ms. Holodovskaya whole by paying compensatory damages to her for her past and future non-pecuniary losses including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses she suffered as a result of the unlawful employment practices described above, in amounts to be proven at trial;

17. Award punitive damages to Ms. Holodovskaya for Defendant, AAA Club Services, LLC., d/b/a AAA Texas, LLC's malicious and/or reckless conduct described above, in amounts to be proven at trial;

18. Award pre-judgment and post-judgment interest on all amounts recovered as allowed by law;

19. Order all affirmative relief necessary to eradicate the effects of its unlawful employment practices;

20. Award the Commission its costs in this action; and

21. Grant such other and further relief as the Court deems necessary and proper.

JURY TRIAL DEMANDED

22. The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

**EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**

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